

REMARKS

Claims 1-7, 9-17, and 24-31 are pending in this application. Claims 1, 13-17, and 31 are independent. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claim 27 under 35 U.S.C. §112, second paragraph. The Examiner further rejected claims 1-6, 9-12, 13-15, 24-28, and 31 under 35 U.S.C. §102(e) as being anticipated by *Chang et al.* (USP 6,417,884); rejected claims 16, 17, 29, and 30 under 35 U.S.C. §102(b) as being anticipated by *Scheer* (USP 5,440,449); rejected claims 10, 12, 26, and 28 under 35 U.S.C. §103(a) as being unpatentable over *Chang et al.* in view of *Scheer*; rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over *Chang et al.* or *Scheer* alone or each taken with *May* (USP 5,043,721); and rejected claims 1-6, 9, 11, 13-15, 24-25, 27, and 31 under 35 U.S.C. §102(b) as being anticipated by *Scheer*. Applicant respectfully traverses these rejections.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejected claim 27, asserting there is insufficient antecedent basis for the element "a slot". By this Amendment, Applicant has amended claims 26-28 to replace "the slot" with "the chamber". Based upon this amendment, Applicant

respectfully requests reconsideration and withdrawal of the outstanding rejection.

Claim Rejections Citing *Chang et al.*

In response to the Examiner's rejection of claims 1-9, 11, 13-15, 24-25, 27, and 31 in the previous Official Action, Applicant submitted a Declaration of Prior Invention in a WTO Member Country to Overcome a Cited Patent Pursuant to 37 C.F.R. § 1.131 executed by Takeshi Misawa as Exhibit A. The Declaration provided evidence establishing the invention of the subject matter of the present invention prior to the filing date of August 12, 1998 by *Chang et al.* In response to this submission, the Examiner asserted that the Declaration was considered but was ineffective to overcome the *Chang et al.* reference. The Examiner asserted that the exhibit presented along with the Declaration lacked any evidence that it was prepared as early as August 12, 1998. The Examiner concluded that since he was not able to locate any date stamp or any other reference to the date, that *Chang et al.* remained as a valid reference and was treated as prior art in the outstanding Official Action. Applicant respectfully submits that the Examiner has failed to properly consider the Declaration under 37 C.F.R. § 1.131.

It is clear in MPEP § 715.07 that if the dates of the exhibits have been removed or blocked off, the dates can be established in the body of the declaration. Specifically, MPEP § 715.07 provides as follows:

ESTABLISHMENT OF DATES

If the dates of the exhibits have been removed or blocked off, the matter of dates can be taken care of in the body of the oath or declaration. When alleging that conception or a reduction to practice occurred prior to the effective date of the reference, the dates in the oath or declaration may be the actual dates or, if the applicant or patent owner does not desire to disclose his or her actual dates, he or she may merely allege that the acts referred to occurred prior to a specified date. However, the actual dates of acts relied on to establish diligence must be provided. See MPEP § 715.07(a) regarding the diligence requirement.

It is clear from the outstanding Official Action that the Examiner has failed to consider any evidence set forth in the Declaration signed by the inventor of the present application. Clearly, the Examiner's failure to consider any evidence in the Declaration contradicts the guidelines as set forth in MPEP § 715.07 set forth above. Applicant respectfully requests that the Examiner properly consider the Declaration filed in response to the previous Official Action and, based upon the evidence set forth therein, acknowledge that *Chang et al.* is properly removed as a prior art reference in the present application and withdraw the outstanding rejections that rely on *Chang et al.* to support the rejections.

Claim Rejections - 35 U.S.C. § 102 - *Scheer*

In the previous Reply, Applicant argued that *Scheer* fails to teach or suggest wherein the display unit comprises at least one of a cutout part and a transparent part so that whether the external

device is inserted in the chamber can be determined by seeing through the at least one of the cutout part and the transparent part. In response to this argument, the Examiner merely copies his rejection comprising one sentence to reject eighteen claims.

Applicant respectfully requests that the Examiner properly respond to Applicant's arguments and directs the Examiner's attention to that portion of the *Scheer* reference that the Examiner is relying upon to teach or suggest wherein the display unit comprises at least one of a cutout part and a transparent part so that whether the external device is inserted in the chamber can be determined by seeing through the at least one of the cutout part and the transparent part. Based upon the arguments submitted November 29, 2004, Applicant maintains that the cited reference fails to teach or suggest this claim element. As such, Applicant respectfully requests that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-6, 9, 12, 24-25, and 28 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claims 13-17 contain elements similar to those discussed above with regard to claim 1, and thus these claims are allowable for the reasons set forth above with regard to claim 1.

Additional Comments

This Reply is being filed concurrently with a Request for Review by Supervisory Primary Examiner. In accordance with the Request filed concurrently herewith, Applicant respectfully requests that the Supervisory Primary Examiner acknowledge that the pendency of the present application has been personally checked in the next Official Action.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Michael K. Mutter, #29,680

MKM/CMV/jdm
0879-0242P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000